

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DENNIS CAPPS,

Petitioner,

v.

CIOLLI,

Respondent.

Case No. 1:20-cv-00766-AWI-SAB-HC

ORDER GRANTING RESPONDENT'S
MOTION FOR EXTENSION OF TIME

(ECF No. 8)

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On August 19, 2020, Respondent filed a motion to stay the instant proceedings pending resolution of *en banc* proceedings in Allen v. Ives, 950 F.3d 1189 (9th Cir. 2020). In the alternative, Respondent moved to extend the time for filing a response to the petition to October 16, 2020. (ECF No. 8). Petitioner has not filed any opposition to the motion, and the time for doing so has passed.

On September 22, 2020, the Ninth Circuit denied the petition for rehearing *en banc* in Allen v. Ives. See Allen v. Ives, No. 18-35001, 2020 WL 5639693 (9th Cir. Sept. 22, 2020).

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Accordingly, IT IS HEREBY ORDERED that:

1. Respondent's motion for extension of time (ECF No. 8) is GRANTED; and
2. Respondent shall file a response to the petition by October 16, 2020.

IT IS SO ORDERED.

Dated: **September 30, 2020**


UNITED STATES MAGISTRATE JUDGE